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DOC #:
DATE FILED: 1/9/12

January 6, 2012

VIA FACSIMILE

The Honorable Thomas P. Griesa
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: United States v. Mark Kaiser, S1 04 CR 733 (TPG)

Dear Judge Griesa:

I write to request that Your Honor revise the judgment of conviction entered in this case on December 20, 2011 to delay Defendant Mark Kaiser's surrender date for a short period in order to allow him to undergo and fully recover from previously unforeseen but medically necessary surgery before his incarceration, scheduled to begin in fewer than four weeks. I have consulted with the government, and they do not oppose this request.

On December 7, 2011, Your Honor sentenced Defendant Mark Kaiser to 46 months imprisonment and ordered a surrender date of January 31, 2012. The judgment was entered on December 20, 2011 and reflects the Court's December 7 oral order (copy enclosed).

Late Wednesday afternoon, Mr. Kaiser was diagnosed with Inguinal Hernias on his left and right sides, a double hernia. Mr. Kaiser's surgeon recommended surgery to repair these conditions as serious complications can result from foregoing surgery. Such complications can include strangulation of the intestine, which can be life-threatening. Foregoing this surgery would also require Mr. Kaiser to seek additional health-related accommodations from the Bureau of Prisons for a condition not currently reflected in his PSR, which could complicate his institution designation.

In order to avoid these complications while at the same time minimizing delay of his surrender date, Mr. Kaiser wants to undergo repair of both hernias during one operation. The recovery time for this surgery is expected to be approximately three weeks. The alternative is to repair the hernias serially, which would at least double the time required for the surgeries and their respective recoveries.

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Unfortunately, the first available date for the surgeries is February 1, 2012. In order to allow sufficient time for the surgery and a full recovery, Mr. Kaiser therefore requests that the Court order a revised surrender date of Wednesday, February 29, 2012.

I am available by phone, 202-661-7020 (office) or 703-861-2810 (cell), to answer any questions regarding this request that Your Honor may have.

Very truly yours,

A handwritten signature in black ink that reads "Daniel T. Brown". The signature is written in a cursive, flowing style.

Daniel T. Brown

Enclosure

cc: Harry A. Chernoff and Daniel P. Chung, AUSAs (via e-mail)